

REMARKS

I. OBJECTIONS TO THE DRAWINGS

The drawings received were objected to as failing to comply with 37 CFR 1.84(p)(4) because the same reference character was used to designate a squared edged corner and a rounded edged corner. New drawing 8A has been submitted with this amendment and now clearly identifies a first member, **1A**, with rounded corners, **12A**, **13A**. Accordingly, an amendment to the specification of paragraph [0031] is also submitted to consistently reflect the correction to the drawing.

Additionally, Examiner asserted that there are no references that indicate which are tabletop edges as recited in claim 9. Applicant respectfully points out that the table top edges are indicated as element number 2 as shown in Figures 6 and 7 as the second member 2 can be a table top edge. Please refer to paragraph [0032] of the specification which recites "The second member **2**, as in Figure 7, can be shaped as the corner of a tabletop...".

Applicant respectfully traverses all objections and requests reconsideration.

II. STATUS OF CLAIMS

Claims 1-2 and 5-20 are pending in the present Application. Claims 1, 9, 10, 15 and 16 are objected to for informalities. Claims 9, 12-15 and 18-20 are rejected under 35 U.S.C. 102(e) ("Section 102") as being anticipated by Corson, 6,283,564. Claims 1, 2, 5-8, 10, 11, 16, and 17 are rejected under 35 U.S.C. 103(a) ("Section 103") as being unpatentable over Corson, in view of Grisley, 5,711,356.

By the present amendment, claims 1, 9, 10, 15 and 16 have been amended. Claim 2 has been canceled.

Applicant respectfully traverses all rejections and requests reconsideration.

### III. OBJECTION FOR INFORMALITIES

As mentioned above, claims 1, 9, 10, 15 and 16 were objected to by the Examiner for informalities. Claims 1, 9, 10, 15 and 16 have been amended according to the Examiner's requirements on page 3 of the Office Action.

Accordingly, for the above reasons, Applicant respectfully requests withdrawal of the objection of claims 1, 9, 10, 15 and 16.

### IV. REJECTION UNDER SECTION 102(e), CORSON

As mentioned above, claims 9, 12-15 and 18-20 were rejected under Section 102(e) as being anticipated by Corson. In rejecting Claims 9, 12-15 and 18-20 under Section 102(e), the Examiner stated that:

*"Regarding claim(s) 9 (and 15), Corson 1 discloses in Figure 8 a double locking mortise joint comprising one or more table leg and a tabletop edge. ... Regarding claims 12 and 18, the leg has a height longer than both a width and a depth of the leg combined. ... Regarding claims 13 and 19, the leg further comprises an inner side and an outer side. ... Regarding claims 14 and 20, the inner side and the outer side have a same curvature." (Office Action, pg. 3-6)*

Applicant respectfully traverses Examiner's rejection as explained below.

#### Corson

Corson discusses a portable wooden computer desk 10 that can be quickly and easily assembled without tools or separate fastening devices and having milled assembly slots 90. The lengths of the head bottom and gusset top of the milled assembly slots 90 are the same. See Corson Figs. 2, 6 and 7a.

#### Claims 9, 12-15 and 18-20 are allowable over Corson under Section 102(e)

With regard to amended claims 9 and 15, Applicant respectfully submits that Corson does not anticipate Applicant's invention as recited in amended claims 9 and 15. Corson fails to teach each and every claim limitation of the double locking mortise joint. Nowhere does Corson mention or describe "a head bottom opposite to and generally parallel to said gusset top, said head bottom is shorter in length than said gusset top" as recited in amended claims 9 and 15. In Corson, the lengths of the head bottom and

gusset top are the same. Applicant's amended claims 9 and 15 are therefore not anticipated by Corson because not all the claim limitations are disclosed.

For this reason, amended claims 9 and 15 are allowable over Corson under Section 102(e). Applicant respectfully requests withdrawal of the rejection of amended claims 9 and 15 under Section 102(e).

Claims 12-14 depend upon amended claim 9, with additional limitations and are not anticipated by Corson for at least the same reasons as amended claim 9. Claims 18-20 depend upon amended claim 15, with additional limitations and are not anticipated by Corson for at least the same reasons as amended claim 15.

Accordingly, for the above reasons, Applicant respectfully requests withdrawal of the rejection of claims 9, 12-15 and 18-20 under Section 102(e).

V. REJECTION UNDER SECTION 103(A), CORSON AND GRISLEY

As mentioned above, claims 1, 2, 5-8, 10, 11, 16, and 17 stand rejected under Section 103(a) as being unpatentable over Corson in view of Grisley. In rejecting claims 1, 2, 5-8, 10, 11, 16, and 17 as being unpatentable over Corson in view of Grisley, the Examiner stated that:

*"Grisley teaches between Figures 9b and 9c at least one of two mortise corners is rounded as part of a design choice. Therefore, as taught by Grisley, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make at least one of the two mortise corners being rounded instead of being square-edged." (Office Action, pg. 8)*

Applicant respectfully traverses Examiner's rejection as explained below.

Claims 1, 2, 5-8, 10, 11, 16, and 17 are allowable over Corson in view of Grisley

As explained in M.P.E.P. Section 706.02(j):

*To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.*

The three above-mentioned criteria must exist at the time the claimed invention was made, according to the text of Section 103(a) itself. A prima facie case of obviousness has not been established using Corson in view of Grisley for at least the reasons stated below.

Grisley

Grisley discusses a template 2 to support and guide a cutting tool used to cut joint members in a workpiece. See Grisley Fig. 1. The template is intended for making finger joints or box joints. (Grisley, col. 1, lines 8-10 and col. 2, lines 38-39). Grisley further teaches between Figs. 9b and 9c at least one of two mortise corners is rounded in a finger joint.

Claims 1, 9 and 15 are allowable over Corson in view of Grisley

The first reason is as follows. There is no suggestion or motivation in Grisley to modify Corson to make amended claims 1, 9 and 15 unpatentable. In particular, there is no suggestion or motivation in the prior art to modify Corson to obtain the limitations recited in amended claims 1, 9 and 15 of a "head bottom opposite to and generally parallel to said gusset top, said head bottom is shorter in length than said gusset top." In fact, Grisley teaches a template making finger or box joints whereby the fingers formed by the template are equal in length. The template device of Grisley, actually teaches away from Applicant's structure of the head bottom being shorter in length than the gusset top.

In addition, Grisley has been specifically cited as teaching in figures 9b and 9c, finger joints with rounded corners. As Applicant had discussed in the background section of the specification, the problem with finger joints is that when the two boards are joined together, the weight from the two boards on either side of the joint puts stress on the joint and weakens the structural integrity of the joint. (See Specification, par. 0015, page 6, lines 10-13). Thus, the finger joint provides no shear strength and is mainly used for making moldings and trims. The molding formed by a finger joint is always fastened to a wall, ceiling, or other flat and strong substrate to maximize its strength. Lastly, an adhesive must be used to secure the finger joint. (See

Specification, par. 0015, page 6 lines 8-17). Therefore, Grisley provides no motivation to modify or combine references to obtain the limitations of applicant's claims, but rather teaches away from Applicant's claimed invention by its disclosure of finger joint production, an undesirable joint having numerous shortcomings as specifically discussed in the applicant's application.

Accordingly, for the just-described first reason, no prima facie case of obviousness case of obviousness can be established for claims 1, 9 and 15.

The second reason is as follows. The combined references do not teach or suggest all the claim limitations, as amended. The combination of Corson and Grisley do not include all the limitations of amended claims 1, 9 and 15. The limitation recited in amended claims 1, 9, and 15 of the head bottom being "shorter in length" than the gusset top is neither recited nor suggested by the combination of Corson and Grisley. Therefore, amended claims 1, 9, and 15 are patentably distinct from the cited prior art references.

Thus, two of the three elements required for rejection under Section 103(a) are missing with regard to claims 1, 9 and 15. The lack of any one of the three elements would make claims 1, 9 and 15 allowable over the teachings of Corson in view of Grisley. Claims 5-8 depend from amended claim 1, claims 10-11 depend from amended claim 9, and claims 16-17 depend from amended claim 15, each with further limitations, and are allowable for at least the same reasons as in claims 1, 9 and 15.

For the above reasons, Applicant respectfully requests withdrawal of the rejection of claims 1-2, 5-8, 10-11, 16-17 under Section 103(a).

The above-discussed amendments and remarks are believed to place the present Application in condition for allowance. Should the Examiner have any questions regarding the above amendments, the Examiner is requested to telephone Applicant's representative at the number listed below.

Respectfully submitted,

Date: January 13, 2004



Juneko Jackson (Reg. No. 48,870)

Otto O. Lee (Reg. No. 37,871)

Intellectual Property Law Group LLP

Attorneys for Applicant

Atty Docket No.: WEAVER.PT1  
Contact No.: 408-286-8933